

Military Interstate Children's Compact Commissions (MIC3) Education

Education Protections for Children of Guardsmen and Reservists

Issue: Children of members of the Guard and Reserve who change states for military service in other than a Title 10 status do not receive vital education protections under MIC3 like their active-duty counterparts, members of National Oceanic and Atmospheric Administration, and members of the United States Public Health Service.

Background: MIC3 is a national organization that developed and implemented legislation in all 50 states to provide certain educational protections for children of military members as they move about the country. The Compact addresses key educational transition issues encountered by military families including enrollment, placement, attendance, eligibility, special needs accommodations, and graduation.

MIC3 uses the following definitions: "Active duty" means: full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211. "Uniformed service(s)" means: the Army, Navy, Air Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services. As a result, children of active guard/reserve (AGR), military technicians, and traditional guard/reserve are not afforded any education protections when moving between states for military assignments.

Utah enacted legislation in 2016 removing the Title 10 language in the definitions in order to extend protections to children of all uniformed services members regardless of status. As a result, MIC3 has repeatedly threatened action against the state if they didn't enact legislation to return the Title 10 requirement to state code.

In May of 2019 MIC3 leadership met with Utah leadership to understand Utah's reasoning for the change. After the meetings, MIC3 established a National Guard and Reserve Task Force (NGRTF) to study the issue and make recommendations to the full body. The NGRTF met multiple times and in October 2019 received a presentation by Utah leadership that included letters of support from the Chief of the National Guard Bureau and Chief of the Air Force Reserve and Enlisted Association of the National Guard U.S. The NGRTF was also provided letters from the three service secretaries and the SECDEF regarding the importance of military child education.

In October of 2020 the NGRTF presented its recommendations to the full MIC 3 commission body and action on the matter was tabled. In 2021 they revisited it again and agreed that the guard and reserve needed to be included but they could not come to consensus on how to implement the necessary changes and once again tabled it. The Commission revisited it in October 2022 and voted not to include guard and reserve in the compact. However, they suggested that if states wanted to include members of the guard and reserve they could do so outside of the compact as an addition. This solution is simply poor policy making and is unacceptable to legislative drafting attorneys because it creates conflicting language in the law.

Ironically, the Military Child Education Coalition's (MCEC) "Military Kids Now 2020 Survey" report indicated "identifying and assisting children whose parents are in the National Guard or Reserves" was the top service issue reported by teachers, counselors and administrators (www.militarychild.org/mcecsurvey P13-14). The survey also found 50% of education professionals were not as confident in addressing issues pertaining to children of the Guard and Reserve.

The issue of parity in benefits between active duty and the guard and reserve was also addressed with the Defense State Liaison Office (DSLO), the Department of Defense office responsible for interstate compacts. After being presented Air Force policy requiring reserve leaders to sign mobility agreements which requires them to change duty stations like the active duty, DSLO conducted additional research on the topic and found all of the reserve components required leaders to change duty stations for career mobility. As a result, in March of

2022 the DSLO reversed position and began actively working with the different compacts on language to ensure guard/reserve members are included in all future compacts, and where possible existing contracts. MIC3 leadership was made aware of DOD's change in position and essentially ignored it in their October 2022 vote.

Recommendation: Utah Department of Veterans and Military Affairs would request the Veterans and Military Affairs Commission support potential legislation validating the Utah Department of Veterans and Military Affairs position of not changing current statute.

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